

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

H&R BLOCK EASTERN
ENTERPRISES, INC.,

Plaintiff/Counter-Defendant,

v.

HALLWOOD PLAZA L.L.C.,

Defendant/Counter-Claimant,

and

WILLIE J. ELZY,

Defendant.

Case No. 24-11972

Honorable Laurie J. Michelson

Magistrate Judge Anthony P. Patti

**ORDER GRANTING MOTION TO COMPEL WILLIE J. ELZY TO
APPEAR FOR DEPOSITION [31]**

On August 8, 2023, Willie J. Elzy allegedly drove his vehicle into the Hallwood Plaza Shopping Center while intoxicated. (ECF No. 15, PageID.44–45.) The crash caused a fire to break out, which damaged an H&R Block office rendering it untenable. (*Id.* at PageID.45.) So H&R Block sued Hallwood Plaza for breaches of their lease agreement and Willie Elzy for negligence and trespass. (*Id.* at PageID.43, 51–52.)

Despite the parties' repeated attempts to reach Elzy, including by personal service, he has not appeared for his deposition or produced any of the requested documents. (ECF No. 31, PageID.247.) So H&R Block and Hallwood Plaza filed a joint motion to compel (ECF No. 31) which the Court noticed for a hearing on June 24,

2025. (ECF Nos. 32, 33.) The Court ordered Elzy to appear at this hearing. (ECF Nos. 32, 33.) He did not.

The Court could hold Elzy in contempt and issue a warrant for his arrest for this failure to appear. *See Bayview Loan Servicing, LLC v. Blackmon*, No. 10-11693, 2011 U.S. Dist. LEXIS 106706, at *2 (E.D. Mich. Sept. 20, 2011) (“An order to appear . . . is a command by the Court, the disobedience of which itself may be punished by contempt. A party who receives notice of an order to appear must present himself to the Court at the proper date and time. Failure to appear may result in the issuance of a warrant for arrest.” (citing *In re Campbell*, 761 F.2d 1181, 1186 (6th Cir. 1985))). But instead, it will give Elzy one last chance.

Accordingly, the joint motion to compel is GRANTED and Elzy is ORDERED to attend a deposition to be held on **July 15, 2025, at 9:00 a.m. in Flint, Michigan**, and bring documentation of any insurance coverage that he may have had on August 8, 2023. The parties are to serve Elzy with a copy of this order along with the notice of deposition specifying the location for the deposition, and to docket proof of same. If Elzy does not appear for this deposition and the parties move for further sanctions, the Court is likely to hold Elzy in contempt of court and issue a warrant for his arrest.

IT IS SO ORDERED.

Dated: June 24, 2025

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE